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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> 606932000100
INTERNATIONAL APPLICATION NO. PCT/CN2004/001386	INTERNATIONAL FILING DATE 1 December 2004	U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/581099 To Be Assigned
<b>TITLE OF INVENTION</b> A PHOSPHOENOLPYRUVATE SYNTHASE GENE USED IN PLANT PROTECTION		
<b>APPLICANT(S) FOR DO/EO/US</b> Jiliang TANG et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))           <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto. (12 pages)</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment. (4 pages)</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. (5 pages)</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.</p> <p>18. <input checked="" type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). (21 pages)</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

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<p>20. <input checked="" type="checkbox"/> Other items or information: Paper copy of the Sequence Listing as filed in the PCT (5 pages); English Translation of Receipt and Statement of Viability in the Case of an Original Deposit (1 page); and, Return Receipt Postcard</p>																																																																																																														
<p>The following fees have been submitted</p> <table border="1"> <tr> <td>21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) .....</td> <td>\$300</td> <td>CALCULATIONS</td> <td>PTO USEONLY</td> </tr> <tr> <td></td> <td></td> <td>\$ 300.00</td> <td></td> </tr> <tr> <td>22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....</td> <td>\$0</td> <td>\$ 200.00</td> <td></td> </tr> <tr> <td>All other situations .....</td> <td>\$200</td> <td></td> <td></td> </tr> <tr> <td>23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....</td> <td>\$0</td> <td>\$ 400.00</td> <td></td> </tr> <tr> <td>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....</td> <td>\$100</td> <td></td> <td></td> </tr> <tr> <td>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....</td> <td>\$400</td> <td></td> <td></td> </tr> <tr> <td>All other situations .....</td> <td>\$500</td> <td></td> <td></td> </tr> <tr> <td colspan="2"><b>TOTAL OF 21, 22 and 23 =</b></td> <td>\$ 900.00</td> <td></td> </tr> <tr> <td colspan="3"> <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.         </td> <td></td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> </tr> <tr> <td>12 - 100 =</td> <td>/50 =</td> <td></td> <td>x \$250.00</td> </tr> <tr> <td colspan="3">Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> <td>\$</td> </tr> <tr> <td colspan="3"> <table border="1"> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> <tr> <td>Total claims</td> <td>6 - 20 =</td> <td></td> <td>x 0.00</td> </tr> <tr> <td>Independent claims</td> <td>1 - 3 =</td> <td></td> <td>x 0.00</td> </tr> </table> </td> <td></td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$</td> </tr> <tr> <td colspan="3"><b>TOTAL OF ABOVE CALCULATIONS =</b></td> <td>\$ 900.00</td> </tr> <tr> <td colspan="3"> <input checked="" type="checkbox"/> Applicant claims small entity status. 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10/581099

AP3 Rec'd PCT/PTO 31 MAY 2008

PTO-1390 (Rev. 07-2005)

Approved for use through 03/31/2007. OMB 0651-0021  
U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 03-1952 in the amount of \$ 450.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1952. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.**

SEND ALL CORRESPONDENCE TO:

  
SIGNATURE

Peng Chen  
MORRISON & FOERSTER LLP  
12531 High Bluff Drive  
Suite 100  
San Diego, California 92130-2040  
(858) 720-5117

Peng Chen

NAME

CUSTOMER NUMBER: 25225

43,543

REGISTRATION NUMBER

U. S. APPLICATION NO. (if known, see 37 CFR 1.5)  
To Be AssignedINTERNATIONAL APPLICATION NO.  
PCT/CN2004/001386ATTORNEY'S DOCKET NUMBER  
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 847895555 US, in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 31, 2006

Signature:  (Diane Blevins)

10/581099

## English Translation

A/3 Rec'd PCT/PTO 31 MAY 2003

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF  
MICROORGANISMS FOR THE PURPOSE OF PATENT PROCEDURE

## INTERNATIONAL FORM

**RECEIPT AND STATEMENT OF VIABILITY IN THE CASE OF  
AN ORIGINAL DEPOSIT**

issued pursuant to Rule 7.0

TO: He Yongqiang  
 GuangXi University  
 No. 100 DaXue Road, NanNing, GuangXi 530004  
 P. R. China

<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification reference given by the DEPOSITOR: <i>Escherichia coli JM109/pXC1950</i>	Accession number given by the INTERNATION DEPOSITORY AUTHORITY: CGMCC No. 1054
<b>II. SCIENTIFIC DESCRIPTION AND /OR PROPOSED TAXONOMIC DESIGNATION</b>	
The microorganism identified under I above was accompanied by : <input type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable)	
<b>III. RECEIPT AND ACCEPTANCE</b>	
This Internation Depository Authority accepts the microorganism identified under I above, which was received by it on <b>November 26, 2003</b> .	
<b>IV. VIABILITY STATEMENT</b>	
The viability of the microorganism identified under I above was tested on <b>November 26, 2003</b> . On that date, the said microorganism was: <input checked="" type="checkbox"/> viable <input type="checkbox"/> non-viable (Mark with a cross where applicable)	
<b>IV. INTERNATIONAL DEPOSITORY AUTHORITY</b>	
Name: China General Microbiological Culture Collection Center (CGMCC)  Address: Institute of Microbiology Chinese Academy of Sciences 13 Beiyitiao Zhongguancun Beijing 100080 P. R. China	Signature(s) of person(s) having the power to represent the International Depository Authority of authorized official(s):  Yuguang ZHOU Date: <b>November 27, 2003</b>